

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

Ahold USA, Inc., et al. v. Actavis Holdco U.S., Inc., et al.

The Kroger Co, et al. v. Actavis Holdco U.S., Inc., et al.

MDL NO. 2724
16-MD-2724

HON. CYNTHIA M. RUGE

18-cv-02641

18-cv-284

**DECLARATION OF JAY D. SMITH IN SUPPORT OF VALEANT
AND OCEANSIDE'S MOTION TO DISMISS DIRECT PURCHASERS' FIRST
AMENDED COMPLAINT AND KROGER PLAINTIFFS' AMENDED COMPLAINT**

I, Jay D. Smith, declare under penalty of perjury that the following is true and correct:

1. I am a Senior Paralegal in the law firm Norton Rose Fulbright US LLP, counsel to Defendants Valeant Pharmaceuticals North America LLC, Valeant Pharmaceuticals International, and Oceanside Pharmaceuticals, Inc. (collectively, "Valeant"). As such, I am fully familiar with the facts set forth below and the facts are within my personal knowledge. I make this declaration in support of Valeant and Oceanside's Motion to Dismiss Direct Purchasers' First Amended Complaint and Kroger Plaintiffs' Amended Complaint pursuant to Fed. R. Civ. 12(b)(6).

2. Attached as Exhibit 1 is a true and correct copy of a letter dated August 14, 2015, from Representative Elijah E. Cummings, Ranking Member, Committee on Oversight and Government Reform, United States House of Representatives, and Senator Bernard Sanders, Ranking Member, Subcommittee on Primary Health and Retirement Security, Committee on

Health, Education, Labor, and Pensions, United States Senate that I obtained from the publicly available archives on the website for the Committee on Oversight and Reform, United States House of Representatives at <https://oversight.house.gov/news/press-releases>, on January 15, 2019. For reasons unknown to me, the publically available link to Exhibit 1 is inactive.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 21, 2019.

/s/ Jay D. Smith

Jay D. Smith